

**Town of Foxborough
Conservation Commission Minutes
June 14, 2010**

Members present: Bob Boette (Chairman), Harold Blomberg, Alan Curtis (Vice Chairman), Doug Davis, Judi Johnson, Jim Marsh and Eric Nelson

Also present: Jane Sears Pierce, Conservation Manager
Bill Hocking, Interim Conservation Manager

Meeting Opened

Bob Boette opened the meeting, held in the Selectmen's Meeting Room in Town Hall, at 7:00 p.m.

Continued NOI, DEP #157-489, 67 Mechanic Street (YMCA)

The Applicant's representative, Mr. Bill Buckley (Bay Colony Group), formally asked to postpone the hearing to the Commission's next meeting on June 28.

Motion made by Harold Blomberg to the extend hearing for DEP #157-489 to Monday, June 28. Seconded by Alan Curtis. **Vote: 7:0:0**

191 Cocasset Street (proposed River Ridge subdivision), Informal Discussion

The property owner and prospective developer, Tom Hastings (Foxborough Land Partners) and his representatives Bill Buckley (Bay Colony Group) and Mark Manganello (LEC) attended the meeting. Mark had asked for an informal discussion with the Commission, seeking guidance regarding the proposed River Ridge subdivision and associated ORAD extension. Bill B. explained that they had recently submitted revised delineation plans (unsigned), that included changes in flood elevations (from this spring's heavy flooding) for two of the three requested wetlands.

Bill B. gave a brief history of the 100 acre "Porter's Corner" property, a 21E site, heavily contaminated with Dioxin. The DEP now has control of the cleanup; it is no longer in the Federal system. The Planning Board approved the 40 lot Subdivision's Preliminary Plan in 2007, with a waiver for narrower roads and Cape Cod berms. In addition, off site improvements to E. Belcher Road would be made and making the river corridor land a conservation area was also discussed.

Tom indicated that he was looking for cooperation from town departments to assist him in building a profitable housing community. He was hoping to be granted waivers to allow him to build an upscale community and not be forced to go the 40B route. In the process, he would clean up this badly contaminated parcel, which the town did not have the resources to do. He said they had tried to sell the property for 20 years. He purchased the property at a reduced price with the understanding that he would have to clean it up. He referred to himself as an "innocent purchaser," which meant that he did not cause the contamination.

The current roadway plan for the proposed subdivision would connect Cocasset Street and E. Belcher Road, but because of its proximity to the site's central vernal pools, it would not be in compliance with the Bylaw's 100 foot no disturb buffer. Judy spoke of her concerns for the vernal pools. The Commission asked Tom to explore alternatives that would avoid violating their Bylaw.

Jane asked Bill B. to include revised flood levels for Wetland K, sign and submit another set of revised ORAD plans. Once she receives this documentation, she will draft an amended ORAD.

Jane also informed Tom that, due to the site's vernal pools and endangered species, a wildlife habitat assessment would be required at the time of any future Notice of Intent filings. She believed that compromises could be made during the proposed project's formal review that could result in a "net

environmental benefit.” Mark agreed, indicating that they would like to come back to formally present a mitigation design for the roadway’s potential wildlife habitat impacts.

Annual Fishing Derby Request, Cub Scout Pack 70

On behalf of Cub Scout Pack 70, Tom Spognardi came before the Commission to request the use of Cocasset River Park on July 17 for their Annual Fishing Derby. The scouts have used the park for this occasion for the past few years and the event has always been successful.

Bob asked Tom to clear the tall weeds in the main gate area with a weed whacker prior to the event to allow easier access. He also asked Tom to notify the abutters (i.e. homes on Milton Lane and homes on Mill Street, near the park’s entrance) of this event via letters, which could be placed in the abutters’ mailboxes. Tom was instructed to call the Conservation Office one week before the event so that Bob could arrange to give him a key.

Motion was made by Eric Nelson to allow Cub Scout Pack 70 to hold a fishing derby on July 17 at Cocasset River Park. Seconded by Harold Blomberg. **Vote: 7:0:0.**

Healthy Futures Community Garden, Hockomock Area YMCA

Kimberly Cohen and Caitlin Hurley from the Hockomock Area YMCA were in attendance to give the Commission an update on the Community Garden program. At the Mary 24 meeting, Kimberly was instructed to perform the following tasks:

1. Talk to Eddie Lawton and the Water Department

Kimberly reported she has left phone messages for Eddie Lawton but had not heard back from him. The Water Department recommended installing a water meter on the property at the cost of \$2,000.

2. Contact the abutters

Kimberly reported that she notified the abutters by phone and by mail, explaining that after the phone messages were left for the abutters, a letter was also mailed out. She has not received any calls from the abutters.

3. Draw up a contract as well as conservation land usage rules and regulations

Caitlin drafted a contract using as a boilerplate agreement form that the “Y” had with the Town to manage the swimming pool, but would rather amend a contract form that the Commission has used in the past, containing land use language.

Eric asked Kimberly about parking at the site. Kimberly reported that there would not need to be many vehicles on the site on a regular basis (i.e. daily) and that on most days, the Farm Manager would be the only person working on the property. During events, they would open the fence for parking in the front half of the land.

Doug, who had not attended the previous discussion, stated that he was not comfortable allowing a for-profit business or having paid employees working on Town conservation lands. Bill Hocking explained that it was his understanding that the “Y’s” proposal (Healthy Futures Initiative) was mainly an education program for children and families; they would hold demonstrations and YMCA camp projects in the garden. He also understood that some of their produce would be donated to the food pantry. Doug asked how much land they would use; Kimberly answered the planned to use 1/6th of an acre this year, one acre next year and up to two acres the year after next.

Judi stated that her major concern was parking, but was hopeful that if any unforeseen issues come up, they will be dealt with immediately. She also stated that the tall dry grass should be mowed in the parking area because hot car engines could cause a fire hazard. Kimberly stated that although they realize that unanticipated issues will arise, they will be flexible.

Jim was asked to review and amend the Hersey Farm lease agreement to be a one year Land Use Agreement with the “Y” and then try to send a draft of the document to Jane in a day or two. Bob stated that the next step would be to get the contract signed as soon as possible, hopefully this week.

Judi asked Kimberly to have the “Y” create a plan showing locations of (1) the proposed gardens, (2) water source, (3) parking area, etc. Bill Buckley, who was in the audience, indicated that he would be willing to draft the plan. When it is received, Kimberly will send the plan to Jane. In addition, Bob asked Kimberly to send the Commission a copy of the abutters’ letter for the file.

Motion was made by Harold Blomberg to have an attorney review the draft lease which would then be signed by the Commission, if acceptable. Seconded by Judi Johnson.

Vote: 6:1 (DD):0

Eagle Scout Project at Kersey Point, Matt Small

Matt Small came in to review his formal presentation with the Commission. Matt states that his project will benefit not only the residents of Foxborough who use the Kersey Point Conservation Area, but will also benefit residents in the surrounding towns. The project will be to clean up and refurbish Kersey Point, starting at the front of the parking lot and working towards the back. Matt needed the Commission’s signed approval for his project; he then reviewed his proposed work plan:

- Reconstruct a fence for the front boundary of the conservation area. Currently there are twelve abused fence posts, but only three actual crossbeams. The fence is no longer a barrier, just a few poles standing up from the ground.
- All of the Conservation Area’s signs need to be cleaned, refurbished or replaced, including the metal “notification” signs in the parking lot area, which have been vandalized. The “Town of Foxborough Conservation at Kersey Point” sign at the entryway will be repainted.
- Between the parking lot and the actual Conservation Area, there are three mismatched barriers. These mismatched fences will be replaced with a boulder barrier.
- The small marble monument, dedicated to Henry W. Heaton, has some of green growth on it. The growth will be removed and the monument cleaned.
- All of the trash will be picked up and removed. The leaves and sticks will be raked and brought to the Foxborough Compost Area. If approved by the Conservation Commission, a trash receptacle would be added to the area, at a place deemed appropriate.
- The landscaping needs to be addressed as well. The shrubbery will be pruned; the torn bushes will be cut back. He would like to add a bench, cemented into the ground, along the shoreline where people can sit, relax and enjoy the area.

Matt brought up the property’s problem with knot weed, an extremely invasive weed, and it was agreed that he should dig up what he could, bring it to the Compost Area, and keep cutting it back throughout the summer, while working on the property. The Commission will look at ways to control this weed in future years.

Motion was made by Doug Davis to sign Matt’s approval form. Seconded by Allan Curtis.

Vote: 7:0:0.

Request for Determination, North Street/Payson Road, Foxborough DPW

Bill Buckley, Bay Colony Group representing the Foxborough DPW was present to discuss the RFD for the reconstruction of North Street from the north entrance of the Public Safety Building to 68 North Street to a width of between 24 to 30 feet, including median islands, street trees, water line upgrades, drainage improvements and sidewalks on one side of the street. Only two sections have

wetland resource areas within 100 feet of the proposed work. Prior to construction, erosion control barriers will be installed in both areas as shown on the plans.

At station 10+0, which is about 250 feet north of the Public Safety Building driveway, an intermittent stream drains to a catch basin on the edge of the roadway. This wetland was delineated as bank to an intermittent stream under the ORAD issued for the State Hospital project. The catch basin will be replaced with a flared end section, which will be less like to clog with leaves.

At station 39+50 (about 730 feet west of the railroad tracks), bordering vegetated wetlands are 35 feet off the south side of existing pavement. This wetland was delineated under the Order of Conditions for construction of the new sidewalk by NPC, LLC for the construction of Patriot Place.

Motion by Judi Johnson for a Negative Determination (#3, #5 and #6) for the RFD for the North Street and Payson Road reconstruction. Seconded by Allan Curtis. **Vote: 7:0:0**

DEP #157-170, Cocasset Lake Herbicide Treatment, Amended Order of Conditions

Motion was made by Judi Johnson to issue an Amended Order of Condition for DEP #157-170, as drafted. Seconded by Jim Marsh. **Vote: 5:2:0.**

3 Clarendon Street, DEP #157-443 Update

Bob and Eric met with homeowner to discuss his request to move a stone wall. After their discussion, the homeowner agreed not to move the wall.

10 Fairbanks Road

Judy reported that the tenants continue to be behind in the payment of their rent. The Commission asked Judy to send a letter to tenants on July 1, notifying them that their lease agreement will not be renewed and that they must vacate the premises no later than July 31, 2010. This letter will be sent by certified mail. After this letter is sent, Judy was asked to place a legal notice in the Foxboro Reporter, advertising the house for rent.

The Gables at Foxborough Green – Lot 1A (off of Green St)

The owner of Lot 1A has contacted the Assessors Office to request a tax abatement, reporting that the Conservation Commission has deemed this lot unbuildable. There is no documentation in the file supporting his claim. The land owner can file a Request for Determination of Applicability for his property.

Assessor's Maps

The Commission approved the purchase of a map book, as described by Judy, which can be obtained through the Assessors Office.

Accept Minutes: May 3 and May 24, 2010

Motion was made by Eric Nelson to accept the May 3 and May 24 meeting minutes, as presented. Seconded by Jim Marsh. **Vote: 7:0:0.**

Motion was made by Judi Johnson to adjourn. Seconded by Allan Curtis. **Vote: 7:0:0**

The meeting adjourned at 10:20 p.m.

Draft minutes submitted by Judy Leahy: 6/18/10

Reviewed by Jane Pierce: 6/22/10

Approved by Commission: 6/28/10